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April 14, 2017

Mr. John C. Stevens  
Post Office Box 318  
Gaston, South Carolina 29053

U.S. Postal Service	
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9214 8969 0099 9790 1408 0232 54	
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Street, Apt. No., or P.O. Box No.	Gaston Copper Recycling Corp
City, State, Zip+4	Post Office Box 318 Gaston, SC 29053
4/14/2017 8:58:58 AM	

RE: EXECUTED FIRST AMENDMENT TO CONSENT AGREEMENT 04-03-HW  
Off Highway 321, Gaston, Lexington County, South Carolina (Site)  
SCD 001 368 073

Dear Mr. Stevens:

Enclosed, for your records, you will find a true copy of the First Amendment to Consent Agreement 04-03-HW which was executed on April 14, 2017.

Thank you for your attention to this matter. If you have any questions please call Jane Mundell at (803) 898-0488.

Respectfully,

Jane Mundell  
Solid Waste Enforcement  
Division of Compliance and Enforcement  
Bureau of Land and Waste Management

Enclosures: First Amendment to Consent Agreement 04-03-HW

cc: Robert McDaniel, Manager, Enforcement  
Claire Prince, Special Counsel  
Joe Bowers, Manager, RCRA Permitting  
Bill Corder, RCRA Permitting  
Harry Mathis, Central Midlands EQC

THE STATE OF SOUTH CAROLINA  
BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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IN RE: GASTON COPPER RECYCLING CORPORATION  
SCD 001 368 073  
LEXINGTON COUNTY

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FIRST AMENDMENT TO CONSENT AGREEMENT  
04 - 03 - HW

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**WHEREAS**, the South Carolina Department of Health and Environmental Control (Department) entered into Consent Agreement 04-03-HW (Agreement) with Gaston Copper Recycling Corporation (GCRC) on March 26, 2004 pursuant to its authority under the South Carolina Hazardous Waste Management Act, S.C. Code Ann §§ 44-56-10 et seq. (2002 and Supp. 2015); and

**WHEREAS**, the Agreement was entered into to assure the effectiveness and reliability of the required Corrective Actions (CAs) and Land Use Controls (LUCs) for the facility owned by GCRC located off Highway 321, approximately one and one-half miles south of the City of Gaston, in Lexington County, South Carolina; and

**WHEREAS**, Conditions 4 and 5 of the Agreement require GCRC to notify the Department of any proposed change in the LUCs and to obtain Department approval prior to implementing the proposed LUC changes; and

**WHEREAS**, on August 1, 2016 GCRC submitted a written request to the Department for a LUC change to provide that Fallows Pond is no longer subject to the existing LUCs. The Department approved GCRC's request on August 15, 2016 and on January 24, 2017 a revised Declaration of Covenants and Restrictions was filed with the Lexington County Register of Deeds at Book 18962, Page 29, a recorded copy of which was provided to the Department; and

**WHEREAS**, GCRC and the Department desire to enter into this First Amendment to Consent Agreement 04-03-HW (First Amendment) to amend the Agreement to incorporate the approved change to the LUCs:

**NOW THEREFORE IT IS AGREED** that Consent Agreement 04-03-HW is hereby amended as follows:

1. Fallows Pond is no longer subject to the existing LUCs;
2. As required in Condition 6 of the Agreement, the written cost estimate and financial assurance shall be revised and submitted to the Department for approval immediately following the final execution of this First Amendment; and
3. The Declaration of Covenants and Restrictions filed on January 24, 2017 (**Appendix A**) is incorporated into and made a part of the Agreement.

**IT IS FURTHER AGREED THAT** this First Amendment in no way is intended to or does affect the requirements of Consent Agreement 04-03-HW except as specifically provided herein and such Agreement remains in full force and effect subject to this First Amendment.

**IT IS FURTHER AGREED** that Consent Agreement 04-03-HW, as amended by this First Amendment, constitutes the entire agreement between the Department and GCRC with respect to the resolution and settlement of the matters set forth herein. The parties are not relying upon any representations, promises, understandings, or agreements except as expressly set forth within this Agreement, as amended.

GCRC understands that the Consent Agreement, amended, governs only the liability for civil sanctions arising from the matters set forth herein and does not affect or purport to affect any criminal liability or liability to any entity not a party to this Agreement, as amended.

All communications regarding this Agreement and its requirements shall be submitted to:

SCDHEC – BLWM

Attn: Director

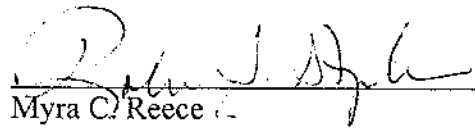
Division of Waste Management

2600 Bull Street, Columbia, SC 20201-1708


**IT IS FURTHER AGREED** that failure to meet any deadline, provision, work plan, report, or extension established within or pursuant to the Consent Agreement, as amended, may be deemed a violation of the South Carolina Hazardous Waste Management Act, S.C. Code Ann §44-56-10 *et seq.* (2002 and Supp. 2015). Upon ascertaining any such violation, the Department may take enforcement action to include issuance of civil penalties in amounts up to \$25,000 per day per violation of the South Carolina Hazardous Waste Management Act.

**Signature Page Follows**

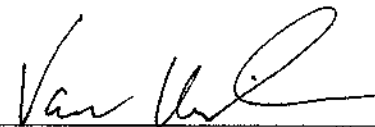
FOR THE SOUTH CAROLINA DEPARTMENT  
OF HEALTH AND ENVIRONMENTAL CONTROL

  
Myra C. Reece  
Director of Environmental Affairs

Date: 4/13/2017

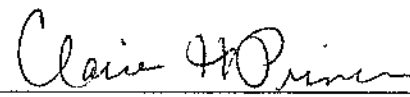
  
Daphne G. Neel, Chief  
Bureau of Land and Waste Management

Date: 4/11/17

  
Van Keisler, P.G., Director  
Division of Compliance and Enforcement

Date: 4/11/17

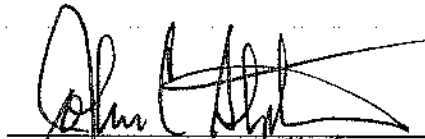
Reviewed By:

  
Attorney  
Office of Legal Counsel

Date: 4/11/17

WITH CONSENT:

**GASTON COPPER RECYCLING CORPORATION, LLC**

  
Name: John C. Stephens  
Title: Assistant Secretary

Date: 3/31/17

Date: \_\_\_\_\_

## Appendix A

**COPY**  
STATE OF SOUTH CAROLINA )  
COUNTY OF LEXINGTON )

FIRST AMENDMENT TO  
DECLARATION OF COVENANTS  
AND RESTRICTIONS

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS is made and entered into this 13 day of JANUARY, 2017, by Gaston Park and Associates, LLC, a South Carolina Limited Liability Corporation, hereinafter referred to as Gaston Park.

RECITALS

WHEREAS, Gaston Park is the owner of certain real property in Lexington County, South Carolina, more particularly described in Figure 1 attached hereto and incorporated by reference (Property); and

WHEREAS, Consent Agreement 04-03-HW (CA), between the South Carolina Department of Health and Environmental Control (Department) and Gaston Copper Recycling Corporation (former owner of the Property), was developed to assure the effectiveness and reliability of the required Corrective Action and Land Use Controls at the Property; and

WHEREAS, the Property is the subject of Voluntary Cleanup Contract 04-5592-NRP (VCC) entered into by the Department and M. L. Corley and Sons Sawmill, Inc., pursuant to the Brownfields/Voluntary Cleanup Program, S.C. Code Ann. § 44-56-710, et. seq. (2002 and Supp. 2015); and

WHEREAS, M.L. Corley and Sons Sawmill, Inc. transferred the Property to Gaston Park, the current owner of the Property; and

WHEREAS, in accordance with the terms of the CA and the VCC, Gaston Park entered into a Declaration of Covenants and Restrictions (Declaration) on October 2, 2007, and recorded said Declaration at the Lexington County Register of Deeds on October 1, 2008, in Book R 13178, Page I; and

WHEREAS, the Declaration imposes certain restrictions on the manner in which the Property may be developed (said restrictions to run with the land and inure to the benefit of and be enforceable by the Department and its successor agencies); and

WHEREAS, Gaston Park, with the consent of the Department, desires to amend the Declaration to remove the restriction on Fallows Pond, identified in the Declaration as 1.h.; and

THEREFORE, the Declaration is hereby amended by this First Amendment to remove the following restriction:

1.h. Fallows Pond – Natural sedimentation remedy shall be maintained.

FURTHER IT IS AGREED that this First Amendment is in no way intended to, nor does it affect the Declaration except as specifically provided herein and such Declaration remains in full force and effect subject to this First Amendment.

IN WITNESS WHEREOF, Gaston Park and Associates, LLC has caused this instrument to be executed as of the date first above written.

Gaston Park and Associates, LLC  
A South Carolina LLC

WITNESSES:

By: *Dwight Corday*  
Title: Member

*Sharon Smith*  
*[Signature]*  
STATE OF SC

COUNTY OF Lexington

ACKNOWLEDGEMENT

I, Albert J. Dooker Jr. (Notary Public), do hereby certify that Dwight Corday, and authorized representative of Gaston Park and Associates, LLC, personally appeared before me this day and acknowledged the due execution of the foregoing instrument, on behalf of the LLC.

2016.

Witness my hand and official seal this 13 day of Dec

*[Signature]*  
Notary Public for South Carolina  
My Commission expires: 1-16-26



IN WITNESS WHEREOF, the Department has caused this instrument to be executed as of the date first above written.

SOUTH CAROLINA DEPARTMENT OF  
HEALTH AND ENVIRONMENTAL CONTROL

By: Daphne G. Neel  
Daphne G. Neel, Chief  
Bureau of Land and Waste Management  
Environmental Quality Control  
South Carolina Department of Health and  
Environmental Control

WITNESSES:

[Signature]  
[Signature]

STATE OF South Carolina )  
COUNTY OF Richland )

ACKNOWLEDGEMENT

I, Rhonda Renee Baecher, (Notary Public), do hereby certify that Daphne G. Neel, and authorized representative of ~~Easton Park and Associates, LLC~~ SCDAEC QRB, personally appeared before me this day and acknowledged the due execution of the foregoing instrument, on behalf of the LLC.

Witness my hand and official seal this 13<sup>th</sup> day of January, 2017  
2016.

Rhonda Renee Baecher  
Notary Public for South Carolina  
My Commission expires: July 7, 2018